

## **Resolution UR-3**

### **Rules of Operation of the Stayton Urban Renewal Agency**

WHEREAS, for the efficient of consistent operation of the Agency is important to adopt rules for the governance of its members and proceedings;

NOW, THEREFORE, BE IT RESOLVED THAT the Stayton Urban Renewal Agency hereby adopts rules and procedures for the conduct of its members and their proceedings as follows:

#### **SECTION 1. MEETINGS**

- A. **Regular Meetings:** The Agency shall meet in regular session on the second Monday of September, December, March, and June at the Stayton Community Center or other specified location within the City. All regular meetings will begin at 7:00 p.m. unless another time is designated. In the event that the regular session of the Agency falls on a holiday, the meeting shall be held the following day.

Whether due to lack of substantial business, hazardous weather conditions or other legitimate reasons, upon the recommendation of the City Administrator, a regular meeting may be cancelled by the Chairman or by an affirmative polling of three or more members of the Agency. Notice of such cancellation shall be provided in the same manner in which the meeting was originally noticed.

- B. **Special Meetings:** Special meetings of the Agency shall be held when called by the Chairperson or when three members request that the Chairperson call a special meeting. Notice of special meetings, including the subject, time, and place of the meeting shall be given to all members. Public notice of special meetings shall be given to the news media and interested persons and posted at Stayton City Hall twenty-four (24) hours prior to the meeting. In case of an actual emergency, a special meeting may be called and public notice given three (3) hours prior to the meeting.
- C. **Work Sessions:** Special meetings may be held as work sessions of the Agency to give members an opportunity to discuss issues in an informal discussion setting. No motions shall be made at a work session. Decisions on items considered at a work session must be made at a regular or special meeting.
- D. **Executive Sessions:** Under ORS 192.660 executive sessions of the Agency are permitted on certain matters to give members an opportunity to discuss issues in a closed discussion setting. No motions shall be made at an executive session. Decisions on items considered at an executive session must be made at a regular or special Agency meeting. Executive Sessions may be called, either as part of a regular meeting or as a separate meeting, by the Chairperson, with a consensus of Members, or by mutual concurrence of the City Administrator and Agency's Attorney in the furtherance of the Agency's business. Executive sessions may be held only for the following reasons (ORS 192.660 subsections in parentheses):
1. To consider the employment of a public officer, employee, staff member or individual agent. (2)(a).

2. To consider dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, unless such public officer, employee, staff member or individual agent requests an open hearing. (2)(b).
3. To conduct deliberations with persons designated by the governing body to carry on labor negotiations. (2)(d).
4. To conduct deliberations with persons designated by the governing body to negotiate real property transactions. (2)(e).
5. To consider records that are exempt by law from public inspection. (2)(f).
6. To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. (2)(g).
7. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. (2)(h).
8. To review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing. (2)(i).
9. To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments. (2)(j).

## **SECTION 2. OPEN MEETINGS LAW**

The Agency concurs that an informed public, aware of the deliberations and decisions of the Stayton Urban Renewal Agency, is of utmost importance to the community. In recognition of this policy, the Agency shall comply with the Oregon Open Meetings Law, ORS 192.610 to 192.710.

## **SECTION 3. CONDUCT OF MEETINGS**

The presiding officer shall conduct meetings in accordance with these Rules of the Agency. All parliamentary questions which arise, not otherwise provided for, shall be governed by Roberts Rules of Order.

Whenever the presiding officer shall call for a polling of the members of the Agency, the order of polling shall be a random order determined by the individual recording the poll.

## **SECTION 4. QUORUM**

Five members of the Agency shall constitute a quorum. A quorum of the Agency is necessary for all Agency meetings (e.g. Regular and Special meetings and Executive Sessions), except informational Work Sessions. If a quorum is not present, the City Administrator shall immediately inform the absent members, except those known to be unavailable for the meeting, that their presence is required to enable the Agency to proceed. If the absent member or members do not appear after the notice, the Members present shall adjourn until a specific time and place or until the next regular meeting. In the absence of the Chairperson, the remaining members shall collectively call the meeting to order and elect a presiding officer who shall conduct the meeting.

## **SECTION 5. AGENDA**

The City Administrator shall determine the subject matter and prepare an agenda of the business to be presented at a regular Agency meeting. The Agency shall consider at the regular meeting only matters that appear on the agenda for that meeting and those additional issues that are introduced by a Member, or the Staff at the appropriate place in the Order of Business at the meeting. Members Agency are encouraged to provide the Staff, in advance of a meeting and prior to distribution of the meeting agenda, those issues intended to be raised at that meeting, to be added to the printed agenda.

No item of business may be added to the agenda of a special meeting unless it is added twenty-four (24) hours prior to the meeting with the approval of the Chairperson and notice of the new agenda item is given to the public and the news media as required under Section 1 of these rules.

## **SECTION 6. CONSENT AGENDA**

In order to make more efficient use of meeting time, resolutions, requests of minute approval and other items which are routine in nature and for which no debate is expected, shall be placed on a "consent agenda." Any item placed on the consent agenda shall be removed at the request of any Member prior to the time a vote is taken on the consent agenda items.

All remaining items on the consent agenda shall be disposed of in a single motion "to adopt the consent agenda" which shall not be debatable. If there are dissenting votes, each item on the consent agenda shall be voted upon separately.

## **SECTION 7. ORDER OF BUSINESS**

A. **Regular Agency Meetings:** The order of business at regular Agency meetings shall be as follows:

1. Call to Order
2. Roll Call/Staff Introductions
3. Announcements
4. Consent Agenda
5. Public Hearings
6. Unfinished Business
7. New Business
8. Business from Members
9. Business from Staff
10. Comments from the Public
11. Adjournment

B. **Public Hearings:** The Agency may hold public hearings as part of any meeting when it desires to obtain testimony from the public on an issue before the Agency or as required by Oregon law. When hearings are held as part of a regularly scheduled Agency meeting, the public hearing shall be noticed for 7:00 p.m. and proceed promptly when the "Public Hearings" segment of the Order of Business is reached.

The order of business for public hearings shall be as follows:

1. Call to Order
2. Staff Report
3. Proponents (if applicable)
4. Opponents (if applicable)
5. General Testimony
6. Questions
7. Close of the Hearing
8. Deliberation and Decision on the Issue

C. Public Testimony: The following rules shall govern general testimony provided to the Agency:

1. **Identification of Persons Testifying:** Any person appearing before the Agency shall state his name, give his address, and representative capacity, if any, for the record. Any person submitting written testimony shall sign and date the testimony and provide his/her address.
2. **Time Limitations:** Applicants shall limit presentations on an application to a maximum of ten (10) minutes. All other persons shall limit testimony to three (3) minutes per person. The presiding officer may modify the time limits.
3. **Repetitive or Irrelevant Testimony:** The presiding officer may limit testimony when it is cumulative, repetitive, irrelevant, or immaterial to the issue being considered.

## **SECTION 8. VOTING**

The affirmative vote of a majority of the Members present at a meeting shall be necessary to decide any question before the Agency.

## **SECTION 9. ETHICAL CONSIDERATIONS AND DECLARATIONS**

Any Member with a conflict of interest, ex parte contact or bias shall make a public declaration of such conflict at the commencement of the proceedings.

### **A. Conflict of Interest.**

Oregon Government Standards and Practices laws define *actual* conflict of interest [ORS 244.020(1)] and *potential* conflict of interest [ORS 244.020(7)]. The difference between an actual conflict of interest and a potential conflict of interest is determined by the words “would” and “could.” An *actual* conflict of interest occurs when an official action to be taken would be reasonably certain to result in a financial benefit or detriment. It will occur when an action taken by the official *would* directly and specifically affect the financial interest of the official, the official’s relative or a business with which the official or a relative of the official is associated. A *potential* conflict of interest exists when an official takes action that could possibly have a financial impact on that official, a relative of that official or a business with which the official or the relative of that official is associated. Such impact is not certain.

When met with a *potential* conflict of interest, the Member must declare the potential conflict and publicly announce the nature of the potential conflict of interest prior to taking any official action, such as discussing, making a motion or voting on the issue giving rise to the conflict.

When met with an *actual* conflict of interest, the Member must declare the actual conflict and publicly announce the nature of the actual conflict. The Member must then refrain from taking *any* official action, such as discussing, making or motion or voting on the issue giving rise to the conflict.

## **B. Ex Parte Contact or Communication.**

Definition: Done or made at the instance and for the benefit of one party only, and without notice to, or argument by, any person adversely interested. (*Black's Law Dictionary*)

When the Agency sits as a decision-making tribunal, the Members must participate in a very public way. This means that if an official has information gathered from only one source and outside of the formal hearing process, such communication is considered "Ex Parte Contact/Communication" and must be publicly disclosed to accommodate those who might disagree with the communication by affording an opportunity to respond. The disclosure must take place prior to the commencement of the public proceedings. Once the declaration is made the official proceeds to participate in the proceedings.

The law does not disallow Ex Parte Contact/Communication; the public official just needs to disclose, "on the record," the substance of that contact/conversation to allow those who were not a party to it a chance to rebut.

The necessity of disclosure of an Ex Parte Contact/Communication includes "site visits."

## **C. Bias.**

Definition: Inclination; bent; prepossession; preconceived opinion; a predisposition to decide a cause or an issue in a certain way, which does not leave the mind perfectly open to conviction. *Actual* bias is a state of mind where the public official acting as a decision-maker cannot entertain the issue(s) impartially and without prejudice to the substantial rights of the parties involved. (*Black's Law Dictionary*)

Unless there is *actual* bias, the public official decision-maker can and should declare the bias, if any, in the public forum in order that the participating decision-makers and the public are made aware thereof. Once the declaration of bias is made, the official may proceed to participate in the proceedings. [Caution: It is up to the public official to determine whether there is *actual* bias; if so, that individual is precluded from participating in the proceedings.]

## **D. Guideline.**

The declarations shall contain a statement of the bias or the content of any interest or contact encountered including who was involved, the time of discovery or happening, and the result, if any, of the interest. The public official shall declare whether or not an impartial decision on the issue can be made. The Chairperson may allow an opportunity for a rebuttal to the declaration.

## **SECTION 10. DECORUM**

Except by permission of the presiding officer, a Member shall address any remarks to the Agency and not to the audience. Upon recognition and permission of the presiding officer, a person in the audience may address the Agency relative to any matter being considered by the Agency at that time. Any person speaking at an Agency meeting shall state his or her name and address, limit comments to the issue under discussion, limit remarks to five minutes, and be courteous to the Agency, staff, and audience.

## **SECTION 11. CHAIRPERSON OF THE AGENCY**

The Chairperson of the Agency shall be elected by the Agency at its first regularly scheduled meeting of each calendar year. The Chairperson shall have the following duties and responsibilities:

- A. The Chairperson shall serve as the presiding officer at all meetings of the Agency;
- B. The Chairperson shall have the authority to preserve order, enforce the rules of the Agency, and determine the order of business at all meetings;
- C. The Chairperson shall have a vote on questions before the Agency;
- D. The Chairperson shall not have the power to veto any actions passed by the Agency;
- E. The Chairperson shall sign all bonds, resolutions, ordinances, agreements, real property deeds, contracts or other documents of the Agency which implement actions of the Agency and require execution by the highest official.
- F. The Chairperson shall be the Agency's liaison with the Agency's Attorney.

## **SECTION 12. COMMITTEES**

The Agency may, as it deems appropriate, appoint from within its membership standing and ad hoc committees. Committees shall consist of no less than three Members of the Agency and shall have no power to take action, adopt resolutions, or conduct other business of the Agency, but shall serve to conduct research and report back to the Agency on issues for which full Agency participation may not be efficient.

## **SECTION 13. EXPENSES**

Any Member who travels outside the City on Agency business is entitled to receive reimbursement for expenses, which shall be determined as follows:

- A. Travel on official business outside the City by a single individual may be via public carrier or private vehicle. If a private vehicle is used, mileage shall be paid at the standard Internal Revenue Service (IRS) mileage rate then in effect.
- B. Reimbursement for expenses on official trips shall only be for expenses incurred during the performance of official duty as a Member for the Agency's benefit. Reasonable meal and lodging expenses may be reimbursed at actual cost upon provision of corresponding receipts to the finance officer. The Agency shall *not* reimburse the Member for the cost of any alcoholic beverage.

- C. The Member shall submit a signed standard Agency expense voucher including copies of all bills, receipts, and/or mileage statements, to the finance officer prior to reimbursement.

**SECTION 14. IN-SERVICE TRAINING AND EDUCATIONAL OPPORTUNITIES**

- A. The Agency encourages educational and training opportunities for Members in order that services rendered to the Agency will be more effective. Staff shall assist the Agency in developing training programs designed to meet immediate needs and in preparing Members to provide better service to the community.
- B. The Agency shall either pay for or reimburse a Member for the cost of registration, tuition, books, or materials for conferences, conventions, training seminars, or courses directly related to the Agency service provided that:
1. Funds for such expenditures are available in the current budget;
  2. The Member has made application through Staff prior to registration and has received approval for participation in the training session or educational program;
  3. The individual is not receiving reimbursement from any other source.

**SECTION 15. SUSPENSION OF RULES**

Any rule prescribed in this resolution may be suspended by the Agency upon majority vote of the Members present at the meeting.

**SECTION 16. EFFECTIVE DATE**

These rules shall take effect upon the passage of this Resolution.

ADOPTED BY THE STAYTON AGENCY this 12<sup>th</sup> day of September, 2009.

STAYTON URBAN RENEWAL AGENCY

Dated: September 12, 2009

By: \_\_\_\_\_

Scott Vigil, Chairperson

Dated: September 12, 2009

By: \_\_\_\_\_

Don Eubank, City Administrator

APPROVED AS TO FORM:

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David A. Rhoten, Agency Attorney